

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

<p><b>WOLF CARBON SOLUTIONS US, LLC,</b></p> <p><i>Petitioner,</i></p> <p>v.</p> <p><b>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</b></p> <p><i>Respondent.</i></p>	<p><b>CASE NO. EQCE088016</b></p> <p><b>AFFIDAVIT IN SUPPORT OF PETITIONER'S RESISTANCE TO SIERRA CLUB OF IOWA'S PETITION AND MOTION TO INTERVENE, AND PROVIDING FACTUAL CLARIFICATIONS</b></p>
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I, Nick Noppinger, hereby declare as follows under penalty of perjury on behalf of Wolf Carbon Solutions US, LLC ("WCS"):

1. The following statements are based upon my personal knowledge, and if called to testify, I could swear competently thereto.

2. I am at least eighteen (18) years old and of sound mind.

3. I am a citizen of the United States and I reside in the State of Colorado, County of Jefferson.

4. I am the Senior Vice President, Corporate Development of WCS, the Petitioner in the above-captioned matter.

5. WCS is a duly authorized business entity that is in the process of proposing and preparing a carbon capture pipeline in the State of Iowa.

6. WCS is an organization that has extensive experience in the planning, constructing, and operating of carbon pipelines.

7. WCS engages with outside professional advisors and consultants to compile information to ensure its pipeline projects are safe and secure. This information, which is compiled, maintained, and externally and internally curated for the purposes of proposed pipeline

projects, constitutes information, formulas, patterns, compilations, programs, devices, methods, techniques, and processes that derive independent economic value (actual or potential) not readily ascertainable in its present form(s) by proper means by persons outside of WCS, and is subject to reasonable efforts to maintain its confidentiality. Should such information be disclosed to third parties or potential commercial or economic competitors, almost certain damage would result in the form of loss of business advantage, potential loss of prospective business/contractual relations, and other legal and equitable harm.

**8.** WCS has, to date, never exercised the right of eminent domain when conducting any pipeline project.

**9.** In my official capacity, I have been vigilant to follow the advice of my advisors, consultants, and attorneys regarding WCS' ability to contact and/or negotiate with landowners pursuant to Iowa law, including, but not limited to.

**10.** WCS has taken steps to make sure that Iowa law has been followed in every particular possible in good faith, including holding public informational meetings prior to land easement negotiations as required by law.

**11.** WCS has already held one round of public information meetings along the proposed pipeline route, and has chosen to hold an entirely new second round of public informational meetings so that all legally entitled to participate have the opportunity to do so.

**12.** The only times WCS and/or its land agents have had direct contact with landowners along the proposed pipeline route was after the first round of public informational meetings in accordance with Iowa law. These in-person interactions were held in the public settings of such meetings, with other members of the public, officials from the Iowa Public Utilities Board ("IUB"), and legal counsel present. These meetings were held in accordance with Iowa law and with the

blessing of the IUB. Following the required meetings, WCS has responded to landowner inquiries when contacted directly, but has not engaged in easement negotiations. WCS held public meetings across potentially impacted counties in early 2022, and met with key stakeholders such as mayors, city council members, and business owners. This was done without objection from the IUB. Additionally, an "Informational Day" was held by WCS in May 2022, but direct landowner negotiations did not occur there.

**13.** During the above-mentioned in-person interactions with land owners along the proposed pipeline route after those public informational meetings, the intent of WCS was to inform and educate landowners about the project, not to harass, threaten, or intimidate any landowner potentially seeking a voluntary easement. In fact, these interactions were wholly voluntary and required land owners to approach WCS at the public informational meetings, WCS did not approach them.

**14.** The only "affirmative" reach-out WCS made regarding its proposed pipeline project was a call to the Clinton County Conservation Board, not any specific land owner along the proposed pipeline route. That call was friendly and informative in nature, so much so that the individual WCS contacted invited a WCS representative to a subsequent fundraising banquet. This interaction and subsequent invitation did not reasonably suggest that any harassment, threats, or intimidation occurred, as the dialogue was mutually voluntary and had nothing to do with easement negotiations.

**15.** Further, WCS has not yet drafted any easement documents, so it would be impossible to harass, threat, or intimidate any land owner into signing any legal document regarding land easements pertaining to the proposed pipeline project.

**16.** Moreover, WCS has not yet performed any market studies to produce land value estimates to determine fair market value of any potential easements with land owners along the proposed pipeline route. Therefore, it would be impossible for WCS to harass, threaten, or intimidate any land owner along the proposed pipeline route in any feasible manner related to compensation.

**17.** In the Affidavit of Jessica Mazour, submitted on behalf of Sierra Club of Iowa, it was stated — under oath and under penalty of perjury — that WCS had, and is currently engaged in, harassing, threatening, and intimidating land owners into signing easements related to the proposed pipeline.

**18.** That statement is unequivocally and provably false. As stated above, not only has WCS not done so, never has done so, and never intends to do so, but WCS is legally and logistically incapable of harassing, threatening, and intimidating land owners along the proposed pipeline route. The assertion or insinuation that WCS has, is, or would engage in such behavior is misleading to the Court and to the public.

**19.** The false, incorrect, and misleading statements heretofore made by Sierra Club of Iowa in its intervention filings has, and may potentially continue to cause, reputational, commercial, and financial harm to WCS.

**20.** The foregoing is true and correct to the best of my knowledge and belief.

**FURTHER AFFIANT SAYETH NOT**

Executed on this 11th day of November, 2022.

Nick Noppinger

Name



Signature

Senior Vice President, Corporate Development for Wolf Carbon Solutions US, LLC

Title